



Immigration and Customs Enforcement 287(g) Program

Sheriff Charles A. Jenkins
Frederick County Sheriff's Office





What is the 287(g) Program

- The 287(g) program allows a state or local law enforcement entity to enter into a partnership with ICE, under a joint Memorandum of Agreement.
- The state or local agency receives delegated authority for trained officers to perform certain functions of immigration enforcement within the jail or detention center.





287(g) Program continued

- The 287(g) Program can only operate within the confines of the Detention Center.
- Only offenders that have been arrested and brought to the jail are screened to check their immigration status.
- Only an Immigration Judge or a Senior ICE Official can order the removal of a criminal offender.





287(g) Program continued

- No immigration enforcement functions are conducted on the streets, in the community or places of employment. We do not ask questions in regard to a person's lawful immigration status in the course of performing law enforcement functions.
- The Sheriff has no influence on the priorities of the Program or when a detainer can be lodged.





Comprehensive Oversight / Supervision

- The program has a full time ICE Supervisor who must review and authorize all detainers.
- All paperwork is reviewed by ICE attorneys for legal sufficiency.
- Offenders / Defendants are served with their immigration paperwork and proceed through a legal process until final adjudication of their case.





Who Is Questioned About Their Immigration Status?

- **100%** of all offenders / defendants brought to the Detention Center are screened, there is absolutely no profiling or selective screening based on race, ethnicity, or country of origin.
- There has not been a single complaint regarding racial profiling, discrimination or officer misconduct related to the operation of the 287(g) Program.





Cost of the 287(g) program to the County

- The following is provided by I.C.E. at no cost to Frederick County.
 - ◆ Training
 - ◆ Equipment
 - ◆ Oversight
- No detention center officers are dedicated to the program on a full time basis.





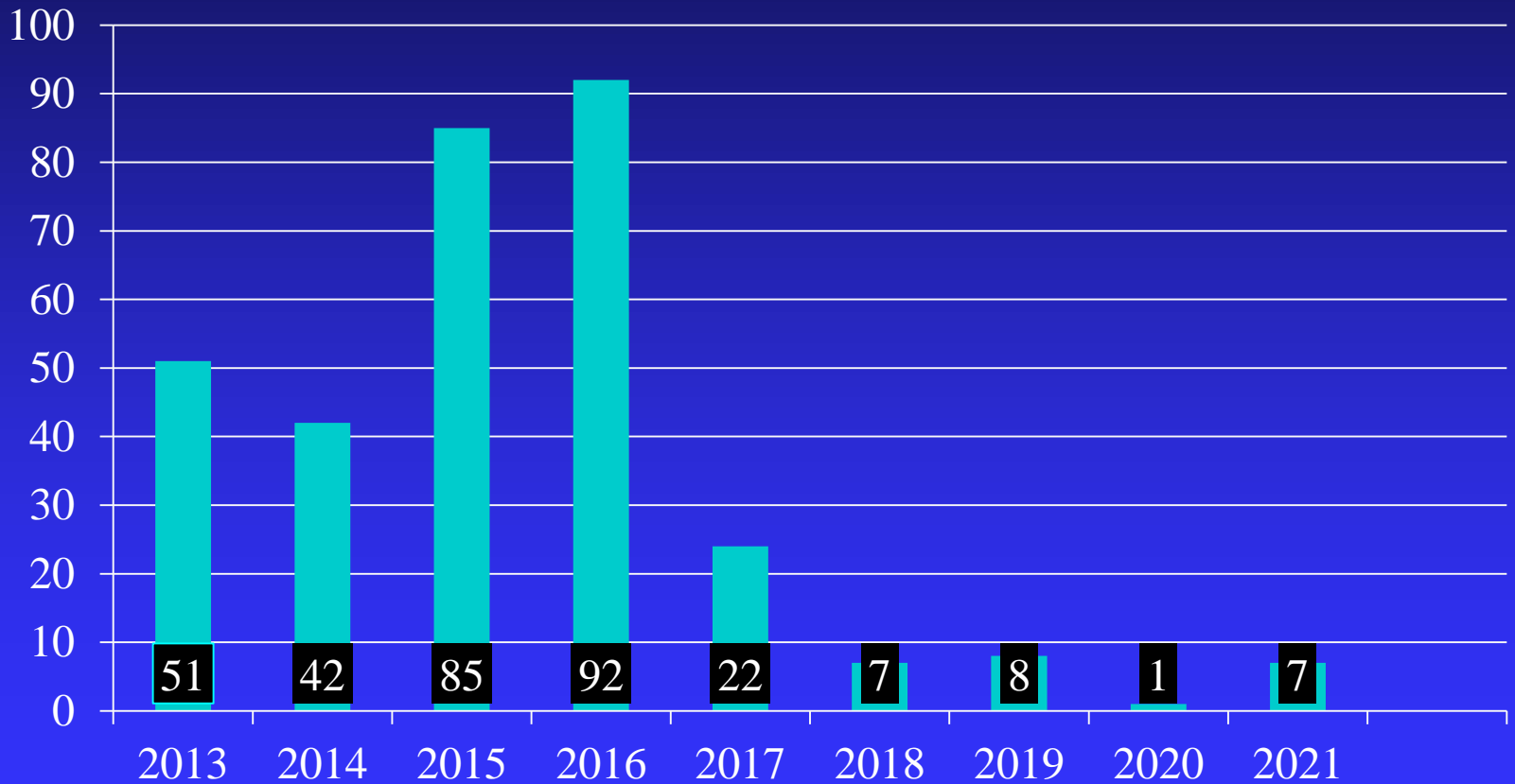
Prosecutorial Discretion

- Is granted to criminal offenders that are in the United States illegally but are released due to compelling humanitarian reasons on a case by case basis to include:
 - ◆ DACA (Deferred Action for Childhood Arrivals)
 - ◆ Serious medical conditions
 - ◆ Sole family providers
 - ◆ Nursing mothers





Prosecutorial Discretion Releases





Current Interim Priorities

- As a preliminary matter, it is important to note that the interim priorities do not require or prohibit the arrest, detention or removal of any noncitizen.





Priority #1: National Security

- 1. He or she has engaged in or is suspected of engaging in terrorism or terrorism related activities.
- 2. He or she has engaged in or is suspected of engaging in espionage or espionage related activities.
- 3. His or her apprehension, arrest or custody is otherwise necessary to protect the national security of the United States.





Priority #2: Border Security

- 1. He or she was apprehended at the border or a port of entry while attempting to unlawfully enter the United States on or after November 01, 2020.
- 2. He or she was not physically present in the United States before November 01, 2020.





Priority #3: Public Safety

- 1. He or she has been convicted of an aggravated felony as defined in section 101(a)(43) of the INA.
- 2. He or she has been convicted of an offense for which an element was active participation in a criminal street gang, as defined in 18 U.S.C. 521 (a),





Priority #3: Public Safety continued

- or is not younger than 16 years of age and intentionally participated in an organized criminal gang or transnational criminal organization to further the illegal activity of the gang or transnational criminal organization.





287(g) Stats

- Gang members
 - ◆ 79 Validated
 - ◆ 33 Suspected
 - ◆ 21 Specialized / Combat Training
(Snipers, Military, Knife fighter, MMA
and trained in guerrilla warfare)





287(g) Stats continued

- 103 detainers were lodged against individuals who were arrested for Domestic Violence.
- 41 detainers were lodged against individuals who were arrested for Sex Offense against a minor.
- A total of 313 detainers have been lodged on individuals charged with a felony offense.





287(g) Stats continued

- SUBJECT was arrested for Second Degree Assault and 4th Degree Sex Act on a 14 year old. SUBJECT was found guilty of Second Degree Assault, sentenced to 5 years, all suspended but 18 months. Four months later SUBJECT was paroled and released on his county charges. SUBJECT is a validated MS13 Gang Member.





287(g) Stats continued

- SUBJECT was arrested on the charge of 2nd Degree Rape and Sex Abuse of a Minor. The victim was 7 years old at the time it started and continued for approximately 5 years.





287(g) Stats continued

- SUBJECT was arrested on the charges of 1st and 2nd Degree Murder. SUBJECT is a B2 Visa Overstay.
- SUBJECT was arrested on the charges of 2nd Degree Rape and Sex Abuse of Minor.





287(g) Stats continued

- SUBJECT was arrested on the charges of 2nd Degree Rape, 3rd Degree Sex Offense and Assault 2nd Degree. The victim was 14 years old. SUBJECT was found guilty of 3rd Degree Sex Offense, sentenced to 10 years, all suspended but 18 months. At the time of the charges, the SUBJECT was already in immigration proceedings and out on a \$3,000 immigration bond.





287(g) Stats continued

- SUBJECT was arrested on two Baltimore County Warrants for Attempted 1st Degree Murder, Firearm use/Felony Violent Crime, Assault 2nd Degree, Loaded Handgun on Person, 1st Degree Assault and Harass: A Course of Conduct. SUBJECT is a B2 overstay.





287(g) Stats continued

- SUBJECT entered the United States as an LPR. SUBJECT was found guilty of Armed Robbery, sentenced to 10 years, all suspended but 364 days. SUBJECT is a validated MS13 Gang Member.





287(g) Stats continued

- SUBJECT was arrested and charged with Resisting Arrest and 4th Degree Sexual Contact of a 2 year old child. At the time of these charges, SUBJECT failed to appear for his immigration court date and was ordered removed in Absentia.





287(g) Stats continued

- SUBJECT was charged with 3 counts of Sex Abuse of a Minor: House/Family & 7 counts of Sex Abuse of a Minor Continuing Course of Conduct. The victim was between the ages of 6-14 when this occurred. SUBJECT was seen during his District Court Minx Bond Review and was released on an \$50,000 Unsecured Bond.





287(g) Stats continued

- SUBJECT was found guilty of Attempted 2nd Degree Murder and 1st Degree Assault. SUBJECT was sentenced to 30 years. SUBJECT was a B2 Overstay who applied for and received DACA (Deferred Action for Childhood Arrivals).





287(g) Stats continued

- SUBJECT was arrested and charged with 1st Degree Murder. SUBJECT has a prior Voluntary Return with Border Patrol and has used several different Aliases.





Countries with the most detainees

- El Salvador 551
 - Mexico 368
 - Guatemala 275
 - Honduras 199
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- Only 58 were processed and put into Immigration proceedings that Overstayed there visa.

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Unaccompanied Juveniles

- Since October of 2015, there have been forty two unaccompanied juveniles that were identified through the 287 (g) Program. These individuals were charged with felonies, crimes of violence and or were validated gang members.





Detainer totals from April 11, 2008 to May 31, 2021.

■ Frederick Police Department	1040 / 59.4%
■ Frederick County Sheriff's Office	391 / 22.3%
■ Maryland State Police	208 / 11.9%
■ Other*	112 / 6.4%
■ Total	1751

* Brunswick Police Department, DNR, Thurmont Police Department and the Frederick County Court Systems





Benefits of the 287(g) Program to your community

- Criminal offenders that are sentenced for serious convictions are not released back into the community to include:
 - ◆ Sexual Offenders / Predators
 - ◆ Domestic Violence Offenders
 - ◆ Validated Criminal Gang Members
 - ◆ Crimes of Violence
 - ◆ Drug Traffickers





Closing

- This 287(g) Program exists to protect our local communities by providing Law Enforcement and Corrections an effective tool to enhance the safety of the public.
- As Frederick County statistics demonstrate, the partnership has been effective in removing felons, gang members, and violent criminals off of our streets.





QUESTIONS

